

HOUSE BILL NO. 5161

June 24, 2021, Introduced by Reps. Aiyash, Puri, Rogers, Brixie, Sowerby, Weiss, Morse, Camilleri, Kuppa, Ellison, Hammoud, Pohutsky, LaGrand, Hood, Haadsma, Tyrone Carter, Neeley, Scott, Garza, Steckloff, Shannon, Breen, Hope, Koleszar, Cambensy, O'Neal, Cavanagh, Cynthia Johnson, Lasinski, Thanedar, Liberati, Whitsett, Sabo, Hertel, Stone, Cherry, Sneller, Clemente, Bolden, Young, Manoogian, Jones, Brenda Carter, Coleman, Tate, Steenland, Anthony and Rabhi and referred to the Committee on Oversight.

A bill to amend 2008 PA 23, entitled
"Enhanced driver license and enhanced official state personal
identification card act,"
by amending sections 4 and 6 (MCL 28.304 and 28.306), section 4 as
amended by 2020 PA 305 and section 6 as amended by 2020 PA 374.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) The secretary of state may issue an enhanced
2 driver license or enhanced official state personal identification

1 card to an applicant who provides satisfactory proof of his or her
2 full legal name, United States citizenship, identity, date of
3 birth, Social Security number, residence address, and a
4 photographic identity document. Beginning ~~180 days after the~~
5 ~~effective date of the amendatory act that added this sentence,~~ **June**
6 **27, 2021**, if the applicant is a program participant in the address
7 confidentiality program under the address confidentiality program
8 act, **2020 PA 301, MCL 780.851 to 780.873**, he or she shall present
9 to the secretary of state his or her participation card issued
10 under the address confidentiality program act, **2020 PA 301, MCL**
11 **780.851 to 780.873**. An applicant may choose to apply for a standard
12 driver license or standard official state personal identification
13 card or an enhanced driver license or enhanced official state
14 personal identification card.

15 (2) An enhanced driver license or enhanced official state
16 personal identification card must include reasonable security
17 measures to protect against unauthorized disclosure of personal
18 information regarding residents of this state that is contained in
19 the enhanced driver license or enhanced official state personal
20 identification card.

21 (3) An enhanced driver license or enhanced official state
22 personal identification card may include radio frequency
23 identification technology that is limited to a randomly assigned
24 number that must be encrypted if agreed to by the United States
25 Department of Homeland Security, and does not include biometric
26 data. The secretary of state shall ensure that the radio frequency
27 identification technology is secure from unauthorized data access
28 and includes reasonable security measures to protect against
29 unauthorized disclosure of personal information. An applicant must

1 sign a declaration acknowledging his or her understanding of the
2 radio frequency identification technology before he or she is
3 issued an enhanced driver license or enhanced official state
4 personal identification card.

5 (4) An enhanced driver license or enhanced official state
6 personal identification card that expires on or after March 1, 2020
7 **but before the date that is 90 days after the effective date of the**
8 **amendatory act that added this sentence** is considered valid until
9 ~~March 31, 2021.~~ **the later of the following:**

10 (a) **The date that is 90 days after the effective date of the**
11 **amendatory act that added this subdivision.**

12 (b) **For an enhanced driver license or enhanced official state**
13 **personal identification card that expires on or after March 1, 2020**
14 **but before January 1, 2021, the date that is 1 year and 90 days**
15 **after the expiration date.**

16 (c) **For an enhanced driver license or enhanced official state**
17 **personal identification card that expires after December 31, 2020**
18 **but before the date that is 90 days after the effective date of the**
19 **amendatory act that added this subdivision, the date that is 90**
20 **days after the expiration date.**

21 (5) The requirements of this act are in addition to the
22 requirements otherwise imposed on individuals who apply for a
23 standard driver license or standard official state personal
24 identification card.

25 (6) The holder of an enhanced driver license issued under this
26 act is subject to every licensing sanction provided under the
27 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. As used
28 in this subsection, "licensing sanction" means the restriction,
29 suspension, revocation, or denial of a driver license; the addition

1 of points to a driving record; until October 1, 2018, the
 2 assessment of a driver responsibility fee; the assessment of a
 3 civil fine or criminal penalty resulting from a conviction; a civil
 4 infraction determination; the imposition of probationary terms and
 5 conditions; or any other penalty provided under the Michigan
 6 vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

7 (7) Beginning ~~180 days after the effective date of the~~
 8 ~~amendatory act that added this subsection,~~ **June 27, 2021**, upon
 9 receipt of a notice from the department of the attorney general
 10 that an individual who has been issued an enhanced driver license
 11 or enhanced official state personal identification card under this
 12 act has been certified as a program participant in the address
 13 confidentiality program, the secretary of state shall issue a
 14 corrected enhanced driver license or enhanced official state
 15 personal identification card to that individual by mailing the
 16 license or card to his or her designated address. Beginning ~~180~~
 17 ~~days after the effective date of the amendatory act that added this~~
 18 ~~subsection,~~ **June 27, 2021**, an enhanced driver license or enhanced
 19 official state personal identification card issued under this
 20 subsection or subsection (1) to a program participant must display
 21 the individual's designated address and must not display the
 22 individual's residence address. The requirements of this subsection
 23 are in addition to the requirements for individuals who are issued
 24 a corrected standard driver license under section 310f of the
 25 Michigan vehicle code, 1949 PA 300, MCL 257.310f, or a corrected
 26 official state personal identification card under section 2a of
 27 1972 PA 222, MCL 28.292a.

28 (8) As used in this section:

29 (a) "Address confidentiality program" means a program as that

1 term is defined in section 3 of the address confidentiality program
2 act, **2020 PA 301, MCL 780.853.**

3 (b) "Designated address" means that term as defined in section
4 3 of the address confidentiality program act, **2020 PA 301, MCL**
5 **780.853.**

6 (c) "Program participant" means that term as defined in
7 section 3 of the address confidentiality program act, **2020 PA 301,**
8 **MCL 780.853.**

9 Sec. 6. (1) An application for an original enhanced driver
10 license or enhanced official state personal identification card
11 must be accompanied by payment of a fee of not more than \$50.00.

12 (2) The renewal fee for an enhanced driver license or enhanced
13 official state personal identification card renewed under this act
14 must be not more than \$50.00. However, if an enhanced driver
15 license or enhanced official state personal identification card is
16 expired at the time of renewal, the fee must be the same as the fee
17 provided under subsection (1). ~~If the secretary of state receives~~
18 ~~an application to renew an enhanced driver license or enhanced~~
19 ~~official state personal identification card that expires on or~~
20 ~~after March 1, 2020 before March 31, 2021, the~~ **The** secretary of
21 state shall process ~~the~~ **an application to renew an enhanced driver**
22 **license or enhanced official state personal identification card** as
23 a renewal of an existing enhanced driver license or enhanced
24 official state personal identification card ~~if the secretary of~~
25 **state receives the application to renew the enhanced driver license**
26 **or enhanced official state personal identification card that**
27 **expires on or after March 1, 2020 but before that date that is 90**
28 **days after the effective date of the amendatory act that added this**
29 **sentence until the later of the following:**

1 (a) The date that is 90 days after the effective date of the
2 amendatory act that added this subdivision.

3 (b) For an enhanced driver license or enhanced official state
4 personal identification card that expires on or after March 1, 2020
5 but before January 1, 2021, the date that is 1 year and 90 days
6 after the expiration date.

7 (c) For an enhanced driver license or enhanced official state
8 personal identification card that expires after December 31, 2020
9 but before the date that is 90 days after the effective date of the
10 amendatory act that added this subdivision, the date that is 90
11 days after the expiration date.

12 (3) Money from fees collected under subsections (1) and (2)
13 must be deposited into the enhanced driver license and enhanced
14 official state personal identification card fund created in section
15 7 after distribution as follows:

16 (a) The secretary of state shall refund to each county or
17 municipality acting as an examining officer or examining bureau
18 \$2.50 for each applicant examined for an original enhanced driver
19 license, if the application is not denied and the money refunded is
20 paid to the county or local treasurer and is appropriated to the
21 county, municipality, or officer or bureau receiving the money for
22 the purpose of carrying out this act.

23 (b) The state treasurer shall deposit the sum of \$4.00 to the
24 traffic law enforcement and safety fund created in section 819a of
25 the Michigan vehicle code, 1949 PA 300, MCL 257.819a, for each
26 person examined for an original or renewal enhanced driver license.

27 (c) Four dollars and 50 cents of an original enhanced driver
28 license and \$6.00 of a renewal enhanced driver license must be
29 appropriated to the transportation economic development fund

1 established in section 2 of 1987 PA 231, MCL 247.902, and must not
2 be appropriated for any other purpose in any act making
3 appropriations of state funds.

4 (d) The money remaining after distributions are made under
5 subdivisions (a) through (c) must remain in the enhanced driver
6 license and enhanced official state personal identification card
7 fund created under section 7.

8 (4) The secretary of state may assess a fee for issuing a
9 duplicate or corrected enhanced driver license or enhanced official
10 state personal identification card. A fee assessed under this
11 subsection must not exceed the following amounts:

12 (a) Thirty dollars for an enhanced driver license that is an
13 operator's license.

14 (b) Forty dollars for an enhanced driver license that is a
15 chauffeur's license.

16 (c) Thirty dollars for an enhanced official state personal
17 identification card.

18 (5) A fee must not be charged under subsection (4) for a
19 change of address, to correct a departmental error, or to add or
20 remove a heart insignia described in section 310 of the Michigan
21 vehicle code, 1949 PA 300, MCL 257.310.

22 (6) Fees collected under subsection (4) must be deposited to
23 the enhanced driver license and enhanced official state personal
24 identification card fund created under section 7.

25 (7) **A-Subject to subsection (9) and except for administrative**
26 **error, a** fee paid under this section is nonrefundable. ~~except for~~
27 ~~administrative error.~~

28 (8) The secretary of state shall not assess a late renewal fee
29 for an enhanced driver license or enhanced official state personal

1 identification card that expires on or after March 1, 2020 but
2 before the date that is 90 days after the date of the amendatory
3 act that added this sentence and is renewed ~~before March 31,~~
4 ~~2021.~~ on or before the later of the following:

5 (a) The date that is 90 days after the effective date of the
6 amendatory act that added this subdivision.

7 (b) For an enhanced driver license or enhanced official state
8 personal identification card that expires on or after March 1, 2020
9 but before January 1, 2021, the date that is 1 year and 90 days
10 after the expiration date.

11 (c) For an enhanced driver license or enhanced official state
12 personal identification card that expires after December 31, 2020
13 but before the date that is 90 days after the effective date of the
14 amendatory act that added this subdivision, the date that is 90
15 days after the expiration date.

16 (9) Notwithstanding any other provision of this act, all of
17 the following apply:

18 (a) Beginning March 31, 2021 to the end of the period
19 described under section 4(4) or subsection (2) or (8), the
20 secretary of state shall not charge a late renewal fee for an
21 enhanced driver license or enhanced official state personal
22 identification card.

23 (b) The secretary of state shall, upon an applicant's request,
24 reimburse a late renewal fee charged and collected from March 31,
25 2021 to the end of the period described under section 4(4) or
26 subsection (2) or (8) for an enhanced driver license or enhanced
27 official state personal identification card.

28 Enacting section 1. Sections 4(4) and 6(2), (8), and (9) of
29 the enhanced driver license and enhanced official state personal

1 identification card act, 2008 PA 23, MCL 28.304 and MCL 28.306, as
2 amended by this amendatory act, are intended to be retroactive and
3 apply retroactively to late fees charged on or after March 31, 2021
4 to enhanced driver licenses and enhanced official state personal
5 identification cards that expire on or after March 31, 2021.